

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF BEE CAVE
MAY 8, 2012

STATE OF TEXAS §

COUNTY OF TRAVIS §

Present:

Caroline Murphy, Mayor
Chad Bockius, Council Member
Bob Dorsett, Jr., Council Member
Bill Goodwin, Council Member
Jack McCool, Mayor Pro Tem
Mike Murphy, Council Member

City Staff:

Frank Salvato, City Administrator
Travis Askey, Deputy City Administrator
Patty Akers, City Attorney
Kaylynn Holloway, City Secretary
Russell Pancoast, Police Chief
Giancarlo Patino, Engineer Associate
Lindsey Withrow, Community Services Director
Stephen Myrick, Building Official
Barbara Hathaway, Library Director
Daeric Graeber, IT

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the Bee Cave City Council was called to order by Mayor Murphy at 6:00 p.m. on Tuesday, May 8, 2012 in the Council Chambers of the City of Bee Cave City Hall, 4000 Galleria Parkway, Bee Cave, Texas.

Pledge of Allegiance

Citizen Comments

Steve Albert, 5308 Great Divide, stated that he was representing Lake Travis Fire Rescue. He invited everyone to a re-opening of the Bee Cave station on May 19th from 1-3 p.m.

Charlie Ormiston, 5109 Great Divide, requested a caution light at Highway 71 West and Great Divide. He stated that it was getting more treacherous.

Adrian Overstreet, Asset Manager for the Hill Country Galleria, asked for the Council's help in getting his plat filed for the property located at the corner of Highway 71 and Bee Caves Road.

Consent Agenda.

- A. Consider approval of minutes of the Regular meeting conducted on April 24, 2012.
- B. Consider approval of a Proclamation for National Police Week.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the consent agenda.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on Ordinance No. 112, an ordinance approving a concept plan for Jenkins Custom Homes, located at 3813 Juniper Trace.

Associate Engineer Giancarlo Patino presented this item.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve Ordinance No. 112 approving a concept plan for Jenkins Custom Homes.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on a contract with LNV Engineering for a drainage study in the Carr Development on Bee Cave Road.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Bockius, to approve a contract in the amount of \$6,232.00 with LNV Engineering for a drainage study in the Carr Development on Bee Cave Road.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Discuss and consider action on erosion under the ConSpan Bridge in the Bee Cave Central Park.

Casey Sledge of Sledge Engineering presented this item.

MOTION: A motion was made by Council Member Bockius, seconded by Mayor Pro Tem McCool, to instruct staff to seek bids for the erosion repairs under the ConSpan Bridge using the rock lining in the channel only.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	None

The motion carried.

Executive Session

The City Council closed the Open Session at 6:35 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551-071 – Consultation with Attorney.

Council Member Murphy did not attend the Executive Session.

The City Council closed the Executive Session at 7:09 p.m. and reconvened in Regular Session in the Council Chambers.

Mayor Murphy opened the next two items on the agenda together.

Discuss and consider action on the development plat and request for exception from Section 30.03.007 (1) for West Travis County Public Utility Agency effluent storage pond and wastewater treatment facility located at 12900½ Bee Cave Parkway.

Discuss and consider action on the site and NPS plan for West Travis County Public Utility Agency effluent storage pond and wastewater treatment facility and two variance requests to the Bee Cave Code of Ordinances (1) to Section 20.04.043(c)(2)(B) to allow development's impervious cover of 50 percent, and (2) to Section 20.04.050(a)(1) to allow compliance with NPS requirements through the use of low effective impervious cover, located at 12900½ Bee Cave Parkway.

Lindsey Withrow, Director of Community Services, presented this item and explained the requests made by the Public Utility Agency.

George Murfee of Murfee Engineering and consultant for the PUA, discussed the history of the project and was available to answer questions.

Lauren Kalisek, General Counsel for the PUA, introduced members of the Board and the General Manager.

Jim Harris, Attorney with Thompson & Knight, stated that he was representing the owner of the Alexan Galleria Apartments. He commented that his client would be injured with the approval of the wastewater treatment plant in this location. He cited several reasons why the variances could not be approved by the City Council.

Don Walden, Developer, commented that the owners of the property must have done due diligence and knew about the plans for a treatment plant in that location before building the apartments. He spoke in favor of the Council approving the development plat and variances.

Jenny Braasch, 14416 Piper Glen, stated that she was not opposed to the project anymore. She commented that she was glad that it would be shielded.

Carrell Killebrew, 5410 Great Divide, stated that he recognized the issue with not having enough living unit equivalents (lue).

Scott Morledge, Ash Creek Homes, spoke about the growth in Bee Cave and the need for the approval of the plant.

MOTION: A motion was made by Council Member Goodwin, seconded by Mayor Pro Tem McCool, to approve the development plat for the effluent storage pond and wastewater treatment facility with the findings that the exception requirements under Section 30.02.004 have been met.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, and Goodwin
Voting Nay:	Council Member Dorsett
Absent:	None
Abstain:	Council Member Murphy

The motion carried 3-1.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Bockius, to approve the site and NPS plans for the effluent storage pond and wastewater treatment facility including the two variances under Section 20.04.043 (c) (2) (B) and Section 20.04.050 (a) (1).

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Bockius, and Goodwin
Voting Nay:	Council Member Dorsett
Absent:	None
Abstain:	Council Member Murphy

The motion carried 3-1.

The Council recessed the open session at 10:08 p.m. and reconvened at 10:16 p.m.

Council Member Bockius left the meeting at 10:16 p.m.

Discuss and consider action on award of contract for repairs to the HVAC systems at City Hall.

Tom Green, Mechanical and Electrical Engineer, presented this item and stated that he had received two bids for the repairs to the City Hall HVAC system.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve the bid with M-Tech in an amount not to exceed \$35,000 for the repairs to the HVAC system at City Hall.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on a request from Police Chief Russell Pancoast for additional Police Officer compensation.

Police Chief Russell Pancoast presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to approve the proposed salary ranges and police officer compensation increases with the certification stipend and bonuses as proposed.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on a nomination to the Board of Directors of the West Travis County Public Utility Agency.

Ray Whisenant, County Commissioner for Hays County, spoke on this item.

MOTION: A motion was made by Mayor Pro Tem McCool, seconded by Council Member Dorsett, to nominate Council Member Goodwin to serve on the Board of Directors of the West Travis County Public Utility Agency.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett and
Murphy
Voting Nay: None
Absent: Council Member Bockius
Abstain: Council Member Goodwin

The motion carried.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to concur with the nomination of M. Scott Roberts by the Hays County Commissioner Court to serve on the Board of Directors of the West Travis County Public Utility Agency.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, Goodwin, and
Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on Ordinance No. 111, an ordinance amending the budget for Fiscal Year 2011-2012.

Deputy City Administrator Travis Askey presented this item.

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Dorsett, to approve Ordinance No. 111 including the request for additional funds for the library.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett, Goodwin and
Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Discuss and consider action on the posting of fiscal security for erosion control at the Backyard at Bee Cave.

This item was not discussed at this meeting.

Executive Session

The City Council closed the Open Session at 10:54 p.m. to convene in Executive Session in the Conference Room.

At this point in the meeting, Mayor Murphy publicly announced that a closed, executive session would be held and identified the sections of the Open Meeting Law under which the meeting would be held.

Executive session in accordance with the Texas Government Code, Section 551.072 – Deliberation regarding real property; Section 551.074 – Personnel; and Section 551.071 – Consultation with Attorney in which the Attorney has a duty to the City under the Texas Disciplinary Rules of Professional Conduct that clearly conflicts with the provisions of the Open Meetings Law.

- A. Consultation with Attorney regarding authority of city to enforce building, sign and development ordinances and litigation with AusPro Enterprises, LP.
- B. Discussion regarding acquisition of real property.
- C. Discussion regarding reappointment and agreement with the Municipal Court Judge.
- D. Discussion regarding creation of Director of Finance position and job description.

The City Council closed the Executive Session at 11:46 p.m. and reconvened in Regular Session in the Council Chambers.

Discuss and consider action on the reappointment and agreement with the Municipal Court Judge.

MOTION: A motion was made by Council Member Dorsett, seconded by Mayor Pro Tem McCool, to postpone consideration of this item until the next meeting.

The vote was taken on the motion with the following result:

Voting Aye:	Mayor Pro Tem McCool, Council Members Dorsett, Goodwin and Murphy
Voting Nay:	None
Absent:	Council Member Bockius

The motion carried.

Discuss and consider action on the creation of a Director of Finance position including approval of job description.

MOTION: A motion was made by Council Member Goodwin, seconded by Council Member Murphy, to approve the job description for the Director of Finance position with a salary range of \$70,000 – \$90,000 per year.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

Adjournment

MOTION: A motion was made by Council Member Murphy, seconded by Council Member Goodwin, to adjourn.

The vote was taken on the motion with the following result:

Voting Aye: Mayor Pro Tem McCool, Council Members Dorsett,
Goodwin, and Murphy
Voting Nay: None
Absent: Council Member Bockius

The motion carried.

The City Council adjourned the Regular Session at 11:47 p.m.

PASSED AND APPROVED this 22nd day of May, 2012.

Caroline Murphy, Mayor

ATTEST:

Kaylynn Holloway, City Secretary

[SEAL]